

Notice of Allowability

Application No.

10/511,425

Applicant(s)

GIANOLIO ET AL.

Examiner

Marianne L. Padgett

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1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/14/2004, 5/4/05, 6/20/05 & interview of 9/29/07.
2. ☒ The allowed claim(s) is/are 1-52.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>same</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>10/14/4, 6/20/5</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Morrison on 10/1/2007.

In the claims:

In claim 1, line 10, insert -- a -- before "silane" & before "siloxane".

In claim 27, line 9, insert -- a -- before "silane" & before "siloxane".

In claim 50, line 7, insert -- a -- before "silane" & before "siloxane".

2. The following is an examiner's statement of reasons for allowance: in the parent PCT search no art that reads on the claims as written was found, and an updated, plus additional search done for this case, found no art significantly different than previously cited in PCT, or applicable to the claimed limitations. The closest art found in the present search (other than references previously cited) include Shah et al. (6,248,127 B1) & Tedeschi et al. (6,361,819 B1), which like Wolfgang et al. cited in the IDS of 6/20/2005, teach plasma polymerization deposition processes of silane or siloxane compounds that may have aziridine functional groups, but which are excluded by applicant's claims & teachings. The Japanese patent to Minolta camera KK, JP 64-17071 deposits plasma polymerized films of heterocyclic compounds inclusive of aziridine, but all of these ring structures as discussed in the abstract are unsubstituted, thus have no functional groups, let alone ones fitting the criteria as required by applicants' claims, hence would produce polymerized films via a different plasma mechanism, having a different

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microstructure structures & compositions. Canty et al. (5,057,371) & Michal et al. (6,221,425 B1), like Opolski cited in the PCT & the majority of the art concerning aziridine compounds in coatings, are directed to plasma or corona treating the substrate **before** solution depositing compositions containing aziridine thereon, generally as a primer coating, where it is noted that these techniques involve different curing & polymerization techniques that do not include the type of fragmentation that occurs in plasma deposition polymerization reactions, thus are different processes, which produce differentiated products. Hirabayashi et al. (5,153,113; col. 29, lines 60-65), also corona pretreats the support before depositing a latex polymer with a hexamethyleneaziridine hardening agent, then follows with another corona discharge treatment, which may be presumed to effect that hardening agent to cause curing via the corona discharge (a type of plasma), however as acting as a hardening agent the expected mechanism would be crosslinking, not the type of fragmentation & recombination that occurs in plasma polymerization, thus these teachings are also considered differentiated from the process & product.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne L. Padgett whose telephone number is (571) 272-1425. The examiner can normally be reached on M-F from about 8:30 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks, can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained

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from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MLP/dictation software

9/29/2007



**MARIANNE PADGETT
PRIMARY EXAMINER**